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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/931,367	08/16/2001	Dietmar Schill	450117-03511	3593
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FROMMER LAWRENCE & HAUG 745 FIFTH AVENUE- 10TH FL. NEW YORK, NY 10151			EXAMINER HASHEM, LISA	
			ART UNIT	PAPER NUMBER
			2645	
			DATE MAILED: 07/30/2004	

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/931,367

Applicant(s)

SCHILL ET AL.

Examiner

Lisa Hashem

Art Unit

2645

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 16 August 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 August 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 2/8-16-2001.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

### **DETAILED ACTION**

1. Claims 1-24 are pending in this office action.

#### ***Information Disclosure Statement***

2. An initialed and dated copy of Applicant's IDS form 1449, Paper No. 2, is attached to the instant office action.

#### ***Claim Objections***

3. Claim 1 is objected to because of the following informalities: Claim 1 recites the limitation "the following steps" in page 13. There is insufficient antecedent basis for this limitation in the claim. Appropriate correction is required.

#### ***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1-24 are rejected under 35 U.S.C. 102(e) as being clearly anticipated by U.S.

Patent No. 6,587,127 by Leeke et al, hereinafter Leeke.

Regarding claim 1, Leeke discloses a method of accessing at least one additional service temporarily included within a respective main service provided by a respective service provider, said accessing process using a receiving device (see Figure 1) connectable to said respective service provider, characterized by the following steps: a) extracting from a main service presently received by said receiving device service information about at least one of said

Art Unit: 2645

corresponding additional services, b) accessing at least one of said additional services about which service information was extracted according to said respective extracted service information (column 4, lines 8-20; column 7, line 38 – column 8, line 16).

Regarding claim 2, a method according to claim 1, wherein Leeke further discloses characterized in that step a) comprises the step of extracting a service ID and a service name of at least one of said additional services (column 8, lines 3-36).

Regarding claim 3, a method according to claim 1, wherein Leeke further discloses characterized in that step a) comprises the step of extracting time information including transmission times of at least one of said additional services (column 8, lines 6-20).

Regarding claim 4, a method according to claim 1, wherein Leeke further discloses characterized in that step a) comprises the step of extracting service channel information of at least one additional service showing which service channel will be used when transmitting a corresponding additional service from a corresponding service provider via said service channel to said receiving device, respectively (column 7, line 38 – column 8, line 16).

Regarding claim 5, a method according to claim 4, wherein Leeke further discloses characterized in that step b) comprises the step of connecting said receiving device to at least one of said service channels according to said service channel information and said time information (column 8, lines 3-36).

Regarding claim 6, a method according to claim 1, wherein Leeke further discloses characterized by storing said extracted service information in said receiving device via a content delivery component (column 4, lines 50-67).

Regarding claim 7, a method according to claim 6, wherein Leeke further discloses characterized by updating said stored service information each time when step a) is executed (column 4, lines 50-67).

Regarding claim 8, a method according to claim 6, wherein Leeke further discloses characterized by activating said receiving device or necessary parts thereof for receiving a service during time intervals in which an additional service is transmitted from the corresponding service provider to said receiving device, returning said receiving device or said parts thereof into the state before activation during the rest of the time, said processes of activating and returning being carried out on the basis of said stored service information or said latest extracted service information (column 8, line 66 – column 9, line 7; column 9, line 40-49).

Regarding claim 9, a method according to claim 6, wherein Leeke further discloses characterized by managing the time order of different accessing processes, if said additional services assigned thereto are transmitted at the same time to said receiving device, respectively, said managing process being done according to said stored service information or said latest extracted service information (column 15, line 66 – column 16, line 25).

Regarding claim 10, a method according to claim 6, wherein Leeke further discloses characterized by subscribing into a service list containing entries representing available additional services of respective service providers, said process of subscribing changing said stored service information (column 4, lines 8-12; column 7, line 63 - column 8, line 16; column 12, line 51 – column 13, line 12).

Regarding claim 11, a method according to claim 8, wherein Leeke further discloses characterized by, if the receiving device is in its activated state, only accessing that additional

services which are transmitted over that service channels used by said main services presently received or that have a specific priority level (column 8, lines 3-16; column 10, lines 5-15).

Regarding claim 12, a method according to claim 9, wherein Leeke further discloses characterized by eliminating subscribed services in said service list which preferably have no specific priority level if the power resources of said receiving device fall below a predetermined limit (column 6, lines 11-20).

Regarding claim 13, a method according to claim 11, wherein Leeke further discloses characterized by monitoring all additional services provided by a corresponding service provider during the time in which said receiving device receives a main service from said corresponding service provider (column 8, lines 3-16).

Regarding claim 14, a method according to claim 1, wherein Leeke further discloses characterized by storing service data extracted from said at least one additional service after having accessed them in step b) in said receiving device, said stored service data being accessible (column 17, lines 22-33).

Regarding claim 15, Leeke discloses a broadcast signal being sent from a service provider to a receiving device (see Figure 1) for providing said receiving device with a main service, characterized by containing service information about at least one additional service provided by said service provider indicating how to access said at least one additional service (column 4, lines 8-20; column 7, line 38 – column 8, line 16).

Regarding claim 16, broadcast signal according to claim 15, wherein Leeke further discloses characterized by containing time information about transmission times of said at least one additional service (column 8, lines 6-11).

Regarding claim 17, broadcast signal according to claim 15, wherein Leeke further discloses characterized by containing service channel information about at least one additional service showing which service channel will be used when transmitting an additional service from a service provider via said service channel to said receiving device, respectively (column 7, line 38 – column 8, line 16).

Regarding claim 18, broadcast signal according to claim 15, wherein Leeke further discloses characterized by comprising a service ID and/or a service name and/or priority information of at least one service (column 8, lines 3-36).

Regarding claim 19, broadcast signal according to claim 15, wherein Leeke further discloses characterized in that said time information is structured so that it comprises at least one absolute time of the next transmission of a corresponding additional service, at least one relative time to a full hour if said corresponding additional service is transmitted every hour, or at least one offset to the time of the beginning of the day plus at least one repetition rate of said corresponding additional service (column 8, lines 6-11; column 15, line 66 – column 16, line 25).

Regarding claim 20, Leeke discloses an apparatus (see Figure 1) for accessing at least one additional service provided by at least one service provider (see Abstract), said apparatus comprising receiving means connectable via at least one service channel to said at least one service provider for receiving at least one additional service from said at least one service provider, a user interface for informing a user and for controlling said apparatus by said user (column 7, line 38 – column 8, line 16), and a processing unit connected to said receiving means and to said user interface (column 4, lines 21-30), characterized by a scheduler means connected to said processing unit for controlling said process of accessing said at least one additional

Art Unit: 2645

service (column 8, lines 6-11), a service information memory or content delivery component means for storing service information needed by said scheduler means to control said apparatus (column 4, lines 50-67), and a service data memory or storage device means connected to said processing unit for storing service data extracted by said receiving means from said at least one additional service according to said service information (column 17, lines 22-33).

Regarding claim 21, an apparatus according to claim 20, wherein Leeke further discloses characterized that said scheduler means inherently comprises a wake-up control or notification means connected to said receiving means and said processing unit for activating or deactivating said receiving means and said processing unit (column 15, line 66 – column 17, line 33).

Regarding claim 22, an apparatus according to claim 21, wherein Leeke further discloses characterized in that said scheduler means inherently comprises a timer or time attribute field connected to said wake-up control means for providing said wake-up control means with the actual time (column 15, line 66 – column 17, line 33).

Regarding claim 23, an apparatus according to claim 20, wherein Leeke further discloses characterized in that said receiving means comprises means for receiving services transmitted wireless or transmitted by cable (see Figure 1; column 4, lines 8-20).

Regarding claim 24, an apparatus according to claim 20, wherein Leeke further discloses characterized by a conditional access means to decrypt an encrypted service in case an access is permitted via a smart card (column 17, line 15-33).



***Conclusion***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

- European Patent Application No. EP 975,109 by Suzuki et al disclose a digital broadcasting method for transmitting required information, wherein transmission schedule information including the kind of the utilization data, a receiver identifier indicating a target of transmission, and the transmission time at the which said data is to be transmitted, is multiplexed in a program to be transmitted

7. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks  
Washington, D.C. 20231

**Or faxed to:**

(703) 872-9314 (for formal communications intended for entry)

**Or call:**

(703) 306-0377 (for customer service assistance)

Hand-delivered responses should be brought to: Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lisa Hashem whose telephone number is (703) 305-4302. The examiner can normally be reached on M-F 8:30-5:30.

Art Unit: 2645

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on (703) 305-4895. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3900.

LA

lh

July 26, 2004

FAN TSANG  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600

A handwritten signature in black ink, appearing to read 'Fan Tsang', with a long horizontal stroke extending to the right.